

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3, 6-8 and 11-16 are pending in this application. Claims 1-3 and 6-8 are amended; Claims 11-15 are added; and Claims 4, 5, 9 and 10 are canceled by the present amendment without prejudice or disclaimer.

Applicant respectfully submits that new claims and claim amendments find support in the specification as originally filed, at least at page 10, lines 7-24 and originally filed claims. Thus, no new matter is added.

In the outstanding Office Action, the specification was objected to; Claims 2-4 and 7-9 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 4, 6 and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by Bjorn (U.S. Patent No. 6035398); Claims 2 and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bjorn in view of Shinzaki (U.S. Publication No. 2003-0005310); Claims 3 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bjorn in view of Shinzaki and Lee et al. (U.S. Publication No. 2002-0087325, herein "Lee"); and Claims 5 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bjorn in view of Buttiker (U.S. Publication No. 2002-0176583).

With respect to the objection to the specification, the specification has been amended to remove informalities. Thus, Applicant respectfully requests the objection to the specification be withdrawn.

With respect to the rejection of Claims 2-4 and 7-9 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, Applicant respectfully submits that amendments to the claims overcomes this ground of rejection. Specifically, Claims 2 and 7 were amended to clarify that the evaluation patterns are predetermined and having different hamming

distances,<sup>1</sup> and Claims 2, 3, 7 and 8 are amended to remove the phrase “combination of correlation values between...”

Accordingly, Applicant respectfully submits that the rejection of Claims 2-4 and 7-9 under 35 U.S.C. § 112, second paragraph, is overcome. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned to identify mutually agreeable claim language.

Applicant respectfully traverses the rejection of Claims 1, 4, 6 and 9 under 35 U.S.C. § 102(b) as anticipated by Bjorn. Independent Claims 1 and 6 are amended to include the subject matter of Claim 5. As conceded by the outstanding Office Action, Bjorn does not teach or suggest the subject matter of Claim 5.<sup>2</sup> Therefore, the rejection of Claims 1, 4, 6 and 9 under 35 U.S.C. § 102(b) as anticipated by Bjorn is believed to be overcome.

Applicants respectfully traverse the rejection of Claims 5 and 10 under 35 U.S.C. § 103(a) as unpatentable over Bjorn in view of Buttiker with respect to amended Claim 1. As stated above, the outstanding Office Action concedes that Bjorn does not describe the features of previously presented Claim 5. However, Applicant respectfully traverses the assertion in the Office Action that Buttiker teaches “the encryption means to encrypt the body information” and that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fingerprint scanning system of Bjorn with the encryption of biometric/fingerprint data of Buttiker to achieve the presently claimed invention.<sup>3</sup>

Amended Claim 1 is directed to an encryption device for encrypting information on a confidential target. The device includes, in part, an imaging unit configured to perform imaging on a target and to output a first and second signal, said first signal including image data of an inside portion of the target, and said second signal including variation patterns specific to the imaging unit. The encryption device also includes an identification unit

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<sup>1</sup> See the specification at page 11, first paragraph.

<sup>2</sup> See the outstanding Office Action, page 11, lines 14-15.

<sup>3</sup> See the outstanding Office Action, page 11, lines 16-19.

configured to perform analog/digital conversion on the first signal having the image data to create identification information, a creation unit configured to perform analog/digital conversion on the second signal having the variation patterns to create encryption key information, and an encryption unit configured to encrypt the identification information by using the encryption key information. Independent Claim 6 recites a method with corresponding features, and new independent Claim 11 recites features in a format which invokes 35 U.S.C. § 112, sixth paragraph (means-plus-function format).

By creating identification information representing an **inside portion** of the target, the presently claimed invention advantageously prevents an unauthorized user from replicating information (i.e., such as reproducing fingerprints from a glass that a user has touched) to gain access to a system.

Buttiker describes a method for registering users of a public key infrastructure with a token capable of processing biometric data.<sup>4</sup> Specifically, Buttiker utilizes a token 10 that has an internal biometric device 1, or an external biometric input device 31, to read **fingerprint information** from a user, and combines this information with a private key for security.<sup>5</sup> However, Applicant respectfully submits that Buttiker is silent regarding outputting an image signal of an inside portion of a target as biometric data. An external feature of a target, such as a fingerprint is observable directly, or indirectly through markings left behind, by third party observers. In contrast, an “inside portion” of a target cannot be observed by a third party observer. As such, Applicant respectfully submits that Buttiker does not teach or suggest “an imaging unit configured to perform imaging on a target and to output a first and second signal, said first signal including image data of an inside portion of the target,” as recited in amended Claim 1, and as similarly recited in amended Claims 6 and 11.

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<sup>4</sup> See Buttiker, at paragraphs [0001]-[0003].

<sup>5</sup> See Buttiker, at paragraph [0052] and figure 1.

Thus, Applicant respectfully submits that independent Claims 1, 6 and 11, and all claims depending therefrom, patentably define over Bjorn in view of Buttiker.

Finally, Claims 2 and 3, and 7 and 8 depend from independent Claims 1 and 6, respectively, which are believed to patentably define over Bjorn and Buttiker as discussed above. In addition, Applicant respectfully submits that Shinzaki and Lee, whether taken individually or in combination with Bjorn, fail to supply the claimed features lacking in the disclosure of Bjorn. Thus, it is respectfully requested that the rejection of Claims 2 and 7 under 35 U.S.C. § 103(a) as unpatentable over Bjorn in view of Shinzaki, and the rejection of Claims 3 and 8 under 35 U.S.C. § 103(a) as unpatentable over Bjorn in view of Shinzaki and Lee also be withdrawn.

Accordingly, Applicant respectfully submits that independent Claims 1, 6 and 11, and all claims depending therefrom, are allowable.

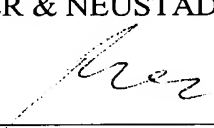
Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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